



General Assembly

February Session, 2012

Raised Bill No. 5502

LCO No. 2225

02225_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT CONCERNING STANDING TO APPEAL A ZONING DECISION
AND MUNICIPAL POWER TO OBTAIN A SEARCH WARRANT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 8-8 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2012*):

4 (a) As used in this section:

5 (1) "Aggrieved person" means [a] any person owning land in this
6 state who is aggrieved by a decision of a board and includes any
7 officer, department, board or bureau of the municipality charged with
8 enforcement of any order, requirement or decision of the board. In the
9 case of a decision by a zoning commission, planning commission,
10 combined planning and zoning commission or zoning board of
11 appeals, "aggrieved person" includes any person owning land in this
12 state that abuts or is within a radius of one hundred feet of any portion
13 of the land involved in the decision of the board.

14 (2) "Board" means a municipal zoning commission, planning

15 commission, combined planning and zoning commission, zoning
16 board of appeals or other board or commission the decision of which
17 may be appealed pursuant to this section, or the chief elected official of
18 a municipality, or such official's designee, in a hearing held pursuant
19 to section 22a-250, whose decision may be appealed.

20 Sec. 2. Subdivision (10) of subsection (c) of section 7-148 of the 2012
21 supplement to the general statutes is repealed and the following is
22 substituted in lieu thereof (*Effective July 1, 2012*):

23 (10) (A) Make all lawful regulations and ordinances in furtherance
24 of any general powers as enumerated in this section, and prescribe
25 penalties for the violation of the same not to exceed two hundred fifty
26 dollars, unless otherwise specifically provided by the general statutes.
27 Such regulations and ordinances may be enforced by citations issued
28 by designated municipal officers or employees, provided the
29 regulations and ordinances have been designated specifically by the
30 municipality for enforcement by citation in the same manner in which
31 they were adopted and the designated municipal officers or employees
32 issue a written warning providing notice of the specific violation
33 before issuing the citation;

34 (B) Adopt a code of ethical conduct;

35 (C) Establish and maintain free legal aid bureaus;

36 (D) Perform data processing and related administrative computer
37 services for a fee for another municipality;

38 (E) Adopt the model ordinance concerning a municipal freedom of
39 information advisory board created under subsection (f) of section 1-
40 205 and establish a municipal freedom of information advisory board
41 as provided by said ordinance and said section; and

42 (F) Obtain a search warrant from the superior court for the judicial
43 district in which the municipality is located for the purpose of
44 enforcing a municipal ordinance or regulation adopted pursuant to (i)

45 this section, (ii) section 7-147a, 8-2, 8-25 or 22a-42, or (iii) any other
46 provision of the general statutes related to municipal administration or
47 enforcement.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	8-8(a)
Sec. 2	<i>July 1, 2012</i>	7-148(c)(10)

Statement of Purpose:

To: (1) Limit appeals of certain zoning decisions to an aggrieved person who owns land in this state, and clarify that an "aggrieved person", in the case of a decision by a zoning commission, planning commission, combined planning and zoning commission or zoning board of appeals, includes a person who owns land that abuts or is within one hundred feet of the land involved in the decision, provided such person's land is within this state; and (2) grant municipalities general power to obtain a search warrant in order to enforce municipal ordinances, regulations and other administration or enforcement powers granted by statute.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]